Remarks

Claims 1 to 26 are pending. Claims 18 and 22; and withdrawn claim 13 are canceled. Claims 1 to 15 and 23 to 26 have been withdrawn from consideration. Claims 16, 19, and 21; and withdrawn claims 8 and 14 are amended.

Support for the amendments to claim 16 can be found at, e.g., page 4, lines 24-27; page 10, lines 7-11; and claims 18 and 22.

Support for the amendment to claim 19 can be found in claims 18 and 19, as originally presented.

Support for the amendment to claim 21 can be found in claims 16-18 and 21-22, as originally presented.

Support for the amendments to withdrawn claim 8 can be found at, e.g., page 4, lines 24-27; page 10, lines 7-11; and in claims 8 and 13, as originally presented.

Support for the amendment to withdrawn claim 14 can be found in claims 8, 13, and 14, as originally presented.

Restriction Requirement

Claims 1-26 were restricted under 35 USC § 121 as follows:

I. Claims 1-7 are said to be drawn to use of a mineral oil, classified in Class none, subclass none;

II. Claims 8-15 are said to be drawn to a method, classified in Class 264, subclass 139;

III. Claims 16-22 are said to be drawn to a composition, classified in Class 524, subclass 275; and

IV. Claims 23-26 are said to be drawn to a method, classified in Class 524, subclass 276.

Election

During a telephone conversation with Examiner Rajguru on October 15, 2002, a provisional election was made with traverse to elect Group III. Applicants affirm their election of Group III, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

In Group I, Applicants broadly claim the use of mineral oil in a fluoroelastomer composition. In Group II, Applicants broadly claim a method of making a fluoroelastomer article comprising a fluoroelastomer and a mineral oil. In Group III, Applicants broadly claim a composition comprising of a fluoroelastomer and a mineral oil. In Group IV, Applicants broadly claim a method of making a fluoroelastomer composition comprising a fluoroelastomer and a mineral oil.

The Restriction Requirement (Paper No. 2) in Paragraph 1 states:

- Inventions I and III are related as mutually exclusive species in an intermediate-final product relationship, and the intermediate product is deemed useful to make other than the final product.

- Inventions II and III are related as product and process of use, and the method claimed can be practiced with another materially different product.

- Inventions III and IV are related as process of making and product made, and the process as claimed can be used to make a materially different product.

Applicants submit that the Groups I - IV claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I - IV claims in different classes and subclasses is not sufficient grounds to require restriction.

Were restriction to be effected among the claims in Groups I - IV a separate examination of the claims in Groups I - IV would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration may be necessary, the scope of analysis of novelty of all the claims of Groups I - IV would have to be as rigorous as when only the claims of Group III were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected among the claims in Groups I – IV, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting multiple applications and maintaining multiple patents.

37 C.F.R. 1.75(c)

Claims 21 and 22 stand objected to under 37 C.F.R. 1.75(c) as being in improper form.

Claim 22 has been canceled and claim 21 is amended. Applicants believe that the objection has been overcome and should be withdrawn.

§ 103 Rejections

Claims 16-20 stand rejected under 35 USC § 103(a) as purportedly being unpatentable over Dawes et al. (U.S. 4,485,062).

The present invention provides a fluoroelastomer composition. The fluoroelastomer composition comprises a fluoroelastomer blended with a mineral oil. The composition comprises vegetable wax in an amount of less than 2 parts by weight per 100 parts by weight of fluoroelastomer. (See, claim 16, as amended.)

According to the Patent Office, Dawes describes a process for extruding polymers. The Patent Office (citing col. 5, lines 15, and 28-32) further asserts that Dawes describes mineral oils incorporated into the polymers. (See, Paper No. 2, paragraph 5, emphasis added.)

Applicants respectfully traverse this characterization of Dawes. Applicants submit that Dawes describes forming a sheath of a low viscosity liquid on a molten polymeric core material. (See, col. 1, lines 48-64.) Dawes further describes removing the sheath material from the extrudate. Dawes also describes leaving the sheath material on the extrudate where, e.g., the sheath material and the core material are substantially the same. (See, col. 5, line 42 – col. 6, line 2.) Thus, Dawes does not describe, teach or suggest blending a mineral oil with a fluoroelastomer, as required in the present invention.

For at least this reason, the rejection of claim 16 under 35 USC § 103(a) as purportedly being unpatentable over Dawes et al. has been overcome and should be withdrawn.

Claims 17, 19, and 20 each add additional features to claim 16. Claim 16 is patentable for the reasons given above. Thus, these claims likewise are patentable. Claim 18 has been canceled.

In summary, the rejection of claims 16-20 under 35 USC § 103(a) as purportedly being unpatentable over Dawes et al. has been overcome and should be withdrawn.

§ 102 Rejections

Claims 16-20 stand rejected under 35 USC § 102(b) as purportedly being anticipated by Dawes et al. (U.S. 4,485,062).

As discussed above, Dawes does not describe, teach or suggest blending a mineral oil with a fluoroelastomer, as required in the present invention. Thus, Dawes does not describe all of the elements of the present invention.

For at least this reason, the rejection of claim 16 under 35 USC § 102(b) as purportedly being anticipated by Dawes et al. has been overcome and should be withdrawn.

Claims 17, 19, and 20 each add additional features to claim 16. Claim 16 is patentable for the reasons given above. Thus, claims 17, 19 and 20 are likewise patentable. Claim 18 has been canceled.

In summary, the rejection of claims 16-20 under 35 USC § 102(b) as purportedly being unpatentable over Dawes et al. has been overcome and should be withdrawn

Claim 21 was not treated on the merits in the present Office Action. (See, Paper No. 2, paragraph 3.) Claim 21 has been amended to overcome the objection under 37 C.F.R. 1.75(c). Claim 21 adds additional features to claim 16. Claim 16 is patentable for the reasons given above. Thus, claim 21 is likewise patentable.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application and rejoinder of the restricted claims are respectfully requested.

Allowance of the pending claims, as amended, at an early date is solicited.

Respectfully submitted,

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Date

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